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10/524,085

04/15/2005

Mattia De Dominicis

102792-403(11101P6)

4212

27389

7590

09/27/2005

EXAMINER

NORRIS, MCLAUGHLIN & MARCUS
875 THIRD AVE
18TH FLOOR
NEW YORK, NY 10022

BOYER, CHARLES I

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/524,085

Applicant(s)

DE DOMINICIS ET AL.

Examiner

Charles I. Boyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/9/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 10 is objected to because of the following informalities: The dependency of claim 10 is incorrect. The claim should depend from claim 9. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 1,069,356.

This reference teaches detergents containing anionic and cationic surfactants, an example of which comprises 16% lauryltriglycol ether sulfosuccinate, 1% alkyldimethylbenzylammonium saccharinate, 4% lauric diethanolamide, and 77% water (page 3, lines 25-30). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

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3. Claims 1-3 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Delaney, GB 2,340,843.

Delaney teaches laundry detergents containing 2 to 20 parts anionic surfactant, 1 to 25 parts alkyldimethylbenzylammonium methosulfate germicidal cationic surfactant, 2 to 40 parts nonionic surfactant, and the balance water (page 40, claims 2 and 11). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

4. Claims 1-5 and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Fogel et al, US 4,001,394.

Fogel et al teach a shampoo containing a quaternary ammonium saccharinate (see abstract). An example of such a composition comprises 44% of a mixture of anionic, nonionic, and betaine surfactants, 1.3% citric acid, 2% ethanol, 0.4% stearyldimethylbenzylammonium saccharinate, and the balance water (col. 4, example II). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

5. Claims 1, 3-5, and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Katsumi et al, US 3,553,141.

Katsumi et al teach a sterilizing detergent composition (see abstract). An example of such a composition comprises 2% tetradecyldimethylbenzylammonium saccharinate, 11% anionic surfactants, 20% ethanol, and the balance water (col. 5,

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example 2). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

6. Claims 1, 5, 8, and 11 are rejected under 35 U.S.C. 102(a) as being anticipated by Wigley et al, US 6,358,900.

Wigley et al teach a hard surface cleaner (see abstract). An example of such a composition comprises 0.205% PEG-5 cocomonium methosulphate, 0.1% anionic surfactant, and the balance water (col. 3, example 1). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

7. Claims 1-4, 8, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by von Mallick, US 5,888,489.

von Mallick teaches a conditioning shampoo (see abstract). An example of such a composition comprises 1% dipalmitoleyl ethyl hydroxyethylammonium methyl sulfate, a mixture of anionic, nonionic, and amphoteric surfactants, and the balance water (col. 9, claims 1 and 3). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

8. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Guskey, US 5,977,036.

Guskey teaches a styling shampoo (see abstract). An example of such a composition comprises 1% ditallowamidoethyl hydroxypropylammonium methosulfate,

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18.6% of a mixture of anionic, nonionic, and amphoteric surfactants, 1% citric acid, 0.42% cetyl alcohol, 0.3% polymers, and the balance water (col. 9, claims 1 and 3). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

9. Claims 1, 2, 5, 7, 8, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hagner et al, US 4,113,630.


Hagner et al teach a substrate for treating fabrics (see abstract). An example of such a composition comprises 1.1% ditallowdimethylammonium methosulfate, 22.7% of a mixture of anionic and nonionic surfactant, and the balance water (col. 19, example III). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Charles I Boyer
Primary Examiner
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